Cour Pénale Internationale



International Criminal Court

Original: **English**

No.: **ICC-01/11-01/11**
Date: **16 July 2018**

PRE-TRIAL CHAMBER I

Before: **Judge Péter Kovács, Presiding Judge**
Judge Marc Perrin de Brichambaut
Judge Reine Adélaïde Sophie Alapini-Gansou

SITUATION IN LIBYA

IN THE CASE OF *THE PROSECUTOR* v. *SAIF AL-ISLAM GADDAFI*

Public

Decision on Withdrawal of Counsel

Decision to be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for Saif Al-Islam Gaddafi
Karim Khan A. A. Khan
Dato' Shyamala Alagendra

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representative

Others

REGISTRY

Registrar
Peter Lewis

Counsel Support Section
Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Pre-Trial Chamber I (the "Chamber") of the International Criminal Court issues this decision on withdrawal of counsel.

1. On 12 May 2017, the Registry informed the Chamber that Karim Khan ("Mr Khan") had been appointed as counsel for Saif Al-Islam Gaddafi ("Mr Gaddafi") and Dato' Shyamala Alagendra ("Ms Alagendra") was appointed as associate counsel in this case.[1]

2. On 26 April and 6 July 2018, respectively, the Registry informed the Chamber that also Essa Mbye Faal and Aidan Ellis had been appointed as associate counsel for Mr Gaddafi in this case.[2]

3. On 13 July 2018, the Chamber received the "Lead Counsel's Request Pursuant to Regulation 78(1) of the Regulations of the Court" (the "Request"), in which Mr Khan seeks the Chamber's leave to withdraw from the representation of Mr Gaddafi.[3] He submits that his recent appointment as the "United Nations Special Advisor and Head of the Investigative Team established pursuant to Security Council Resolution 2379 (2017)" do not allow him to continue the representation of Mr Gaddafi.[4] He also advises that Ms Alagendra, hitherto associate counsel, be appointed as lead counsel.[5]

4. The Chamber notes article 67(1)(d) of the Rome Statute (the "Statute"), regulation 78 of the Regulations of the Court and articles 8, 15(2), 17(2), 18(3) and 19 of the Code of Professional Conduct for counsel (the "Code of Conduct").

[1] ICC-01/11-01/11-635 with one confidential annex and three public annexes.
[2] ICC-01/11-01/11-639 with one confidential and one public annex; ICC-01/11-01/11-643 with one confidential and one public annex.
[3] ICC-01/11-01/11-644.
[4] ICC-01/11-01/11-644, para. 2.
[5] ICC-01/11-01/11-644, para. 3.

5. The Chamber, noting counsel's wish to withdraw and the reasons given therefore, hereby grants the Request. Whether Ms Alagendra may succeed Mr Khan as counsel is subject to the fulfilment of the requirements established in rule 22 of the Rules of Procedure and Evidence.

6. The Chamber reminds counsel that he remains subject to articles 8, 15 and 17 to 19 of the Code of Conduct. Having regard to article 67(1)(d) of the Statute, the withdrawal of Mr Khan shall only take effect once new counsel has been designated for Mr Gaddafi.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request.

Done in both English and French, the English version being authoritative.

Judge Péter Kovács
Presiding Judge

Judge Marc Perrin de Brichambaut

Judge Reine Adélaïde Sophie Alapini-Gansou

Dated this Monday, 16 July 2018
At The Hague, The Netherlands